IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 647 OF 1993

Sunder H. Jawa & Anr. ... Plaintiffs

Vs.

Madhukar G. Chavan ... Defendant

Mr. Rajiv Bhatia i/b. Little & Co. for Plaintiffs.

None for Defendants.

CORAM: S.K.SHAH,J.

DATE : 30th August,2006.

P.C.

1. This is an undefended suit against the Defendant.

2. The Plaintiffs have filed an affidavit of evidence as also affidavit of documents and a compilation of documents. The suit is for declaration that the defendant is a trespasser in respect of the suit property. The averments made in the plaint have gone unchallenged and they are supported by the affidavits and documents. The suit has to be decreed under Order VIII Rule 10 of the Code of Civil Procedure, 1908.

3. Decree be drawn in terms of prayer clauses (a),

(c) and (j).

4. Enquiry shall be made under Order XX Rule 12 of the C.P.C. into the mesne profits of the property from the date of the suit till the delivery of possession.

Decree be drawn accordingly.

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(S.K.SHAH,J.)